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TAGS: [PHUM](#) [KCOR](#) [NP](#) [PINR](#) [GON](#)

SUBJECT: NEPAL'S NATIONAL HUMAN RIGHTS COMMISSION
CRITICIZED FOR CORRUPTION, MAOIST SUPPORT

Classified By: Ambassador Michael E. Malinowski for Reasons 1.5 (b,d).

11. (C) Summary. National Human Rights Commission member Indira Rana (please protect) has made serious allegations against some of her fellow members, accusing them of gender discrimination, corruption and bias in favor of the Maoists. In a July 31 meeting, Rana claimed that Sushil Pyakurel, an active member of Nepal's main communist party, maintains close contact with Maoist political leader Baburam Bhattarai and uses his position within the Commission to provide information to the insurgents. Rana also complained that the Commission is channeling funds from some European donors to leftist, CPN-UML-affiliated NGOs as well as using the money for personal benefit. Rana's complaints echo those by other respected members of Nepal's political elite who believe some of the many European donors are too sympathetic to the Maoists. End Summary.

12. (C) On July 31, PolOff met with Indira Rana, one of five members appointed by the King to sit on the National Human Rights Commission. In June, Rana had publicly aired her disagreements with the other members of the Commission and accused them of corruption, gender discrimination and ineffectiveness. According to Rana, the Commission Chairman and former Supreme Court judge, Nayan Bahadur Khatri, is now "in the pocket" of fellow Commission member Sushil Pyakurel former head of INSEC, a Nepali human rights NGO, and a leader of the Communist Party of Nepal - United Marxist Leninist (CPN-UML). Rana alleged that Pyakurel has offered Khatri a Cabinet-level appointment should there be a UML-led government. Rana suggested that, along with Dr. Gauri Shankar Lal Das, these three members tightly control the activities of the Human Rights Commission. The fifth member, Kapil Shrestha, has been sidelined, with his responsibilities curtailed, as a result of a sex scandal last year.

13. (C) Rana claimed that Pyakurel is extremely sympathetic to the Maoist cause, maintains close contact with Maoist political leader Baburam Bhattarai, and uses his position within the Commission to provide information to the insurgents. According to Rana, in late 2002, Pyakurel harbored a Maoist leader who had been charged by the Government of Nepal with serious crimes. She claimed that, after the Maoist was released on one charge and before the police could re-arrest him on the other two charges, Pyakurel himself drove to the courthouse, picked up the insurgent and sheltered him in the Human Rights Commission building overnight. The next day, he drove the Maoist leader to the house of a UML Member of Parliament. Rana suspects that Pyakurel has assisted other Maoist leaders, although he has not again used the Commission building, perhaps because, Rana said, she confronted him about the issue.

14. (C) Over the following months, Rana became increasingly vocal about the absence of administrative procedures and oversight within the Commission. According to Rana, Pyakurel colluded with the Commission's Secretary on hiring staff for the new Commission. Together they rigged the examination process in order to hire family members and UML-affiliated contacts. As a result, the staff is incompetent, Rana said, and the Commission has had to hire computer and administrative trainers -- the same people that had applied for staff positions and been rejected.

15. (C) Rana also witnessed impropriety with the Commission's handling of donor funds. Rana claimed that all donor funding, but particularly that from Norway and Denmark, had been channeled only to UML-affiliated NGOs and also had been used for personal profit by other Commission members. In particular, she cited a Norwegian project worth USD 25,000 to advance the status of dalit, or low-caste, members of society. Led by Kapil Shrestha, the project produced no results, she said, noting that Shrestha did not even provide a written report of the project.

16. (C) Rana also believed that Pyakurel Lal Das and Khatri have used donor funding for extensive traveling. She mentioned that the new Secretary to the Commission, Kadar Poudel had gone abroad nine times in the past nine months. The other members of the Commission regularly spend weekends at nice hotels for so-called "retreats," she said. Rana also

mentioned that Pyakurel allocates himself 10,000 Rupees per diem for his travel within Nepal as compared with the standard GON per diem of 1,000 Rupees. After Rana questioned the appropriateness of this higher per diem, Pyakurel claimed that, as a politician, he must "wine and dine" political contacts and, therefore, required more per diem. Rana also noted that, before working as head of INSEC, Pyakurel was poor. Now, however, he owns two homes in Kathmandu as well as two rental properties, she said.

17. (C) After months of observing and criticizing this behavior, Rana said she became increasingly sidelined by the Commission's Chairman, Pyakurel and Lal Das. Her responsibilities have been taken over by Pyakurel and she is no longer invited to meetings nor is she permitted to see the Commission's budget or minutes of the meetings. Rana's responsibility for overseeing the prison system is now conducted by Pyakurel. Rana claimed that Pyakurel uses his visits to prisons in order to meet jailed Maoist cadres and later provides information to the Maoist leadership on their status. Pyakurel also uses his visits to RNA and police posts to provide sensitive information to the Maoist leadership, she claimed.

18. (U) Biographic note: Indira Rana is a well-respected lawyer and dynamic human rights activist. She received an MPH in Law and Population from Harvard University. Rana has served the Government of Nepal for 35 years in many capacities, including Secretary to the Judicial Council and Judicial Service Commission, District Court Judge and as an advocate to the Supreme Court. She is an activist for human rights and women's empowerment and has traveled extensively for conferences related to women, law and criminal justice. Rana was a member of the international election observation team for the 1999 Presidential election in Sri Lanka. She is unmarried and her English is very good. End Biographic note.

19. (C) Comment. Indira Rana's reports on the Commission's misuse of donor funds and Maoist sympathies could be motivated, in part, by her resentment at being marginalized and isolated. However, her allegations are consistent with other reports Post has received. In fact, the Commission to Investigate Abuses of Authority is examining a case against Pyakurel for improper use of funds. Sadly, many of the other self-proclaimed human rights organizations in Nepal suffer from similar problems of corruption, nepotism and political partisanship.

10. (C) Comment Continued: The National Human Rights Commission, encouraged and supported by donor countries since its inception in 2000, appears to be totally dysfunctional. Its bias toward the Maoists has made it unsuitable as a mediating institution in peace talks between the government and Maoists. Post is particularly concerned that European donor governments could harm the peace process by channeling funds through organizations like the Human Rights Commission without providing sufficient oversight to ensure that the funds are not used in direct support of the Maoists. In fact, Post has learned that certain European donors are pushing the GON to authorize the Commission to monitor all violations of the cease-fire code of conduct. While such a monitoring mechanism is probably a good idea, Post does not believe the Commission can effectively or fairly play this role. Rana's complaints echo those by other respected members of Nepal's political elite who believe many European donors are too sympathetic to the Maoists (septel), giving the rebels a false sense of international acceptability that aggravates their aggressiveness in talks with the GON. End Comment.

MALINOWSKI